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A Rejoinder

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A Rejoinder

Nelson Lichtenstein

- 1 It is a pleasure and a challenge to engage these commentaries on my recent book, *State of the Union: a Century of American Labor*. The pleasure is there because this author, like almost every other, is deeply appreciative of the kind of critical attention, and sheer energy, to which his work is subject. The commentators assembled by Jean-Christain Vinel understood with remarkable precision the main line of argument I was trying to advance, which has not always been the case on the American side of the Atlantic, where some of the most prominent reviewers misconstrued the relationship I was trying to make between union traditions, rights discourse, and U.S. intellectual and legal thought.¹ Of course, this does not mean that French academics are soft on *State of the Union*: these four commentaries are a challenge because their critique is based on such an accurate understanding of how and why my book is indeed a revisionist reading of U.S. labor history, especially insofar as I seek to reinterpret the rise, fall, and possible revival of the “labor question.”
- 2 For those readers of *Transatlantica* who have not read *State of the Union*, Donna Kesselman starts off her commentary with an admirably succinct summary of the main themes and chief historiographic innovations. However, she is not entirely pleased that my new book breaks with the perspective I put forward 20 years ago in a study that emphasized the limitations of the New Deal state and the bureaucratic devolution of the trade unions during World War II. Although I would not label my 1982 book, *Labor’s War at Home: The CIO in World War II*, a “New Left” study, it did share with that species of social criticism a belief that the greatest threat to working class militancy came from the conservative and bureaucratic trade union structures that had been imposed, through law, politics, and leadership, upon a progressive strata of rank and file workers.
- 3 A post New Left sensibility does not discount such retrograde influences upon working-class consciousness, but as Kesselman herself acknowledges, labor historians of the early 21st century cannot ignore the extent to which the corporations and the political right have normally sought to smash, rather than co-op, the trade unions and their allied organizations. “Corporate liberalism” of the sort imagined by C. Wright Mills, James Weinstein, and a much younger and more radical Ronald Radosh never had much

of a reality in the United States, which is why most contemporary labor historians also discount the idea that the “labor-management accord” of the 1950s and 1960s had much depth or staying power either. As Kesselman correctly puts it, we are witnessing the “decline of the New Leftist paradigm.”²

- 4 This naturally leads to a reappraisal of the New Deal and of the trade unions which briefly flourished under its political and legal tutelage. There was such a thing as a “New Deal Order,” a political and economic structure that formed in the late 1930s, reached its apogee in the mid 1960s, when the African-American population finally won a semblance of social and economic citizenship, and then fell apart at some point in the late 1970s, when President Jimmy Carter abandoned even the most tepid efforts to sustain a Keynesian response to the stagnation crisis of that dismal decade. Kesselman argues that I have created a contradiction for myself by simultaneously downplaying the existence of a post World War II “labor management accord,” while at the same time saluting the idea of a reformist New Deal order under which the trade unions, and economic liberalism more generally, might flourish.
- 5 But the contradiction disappears when one abandons the idea that some kind of pluralistic equilibrium characterized the first few decades after World War II. Labor’s strength, and the liberal politics of a generation of Americanized immigrants, sustained New Deal statecraft in this era, not the depoliticized interest group politics celebrated by pluralist ideologues like Seymour Martin Lipset and Daniel Bell. My book takes polemical aim at these mid century intellectuals, not because they had much policy influence within the unions, but because their pluralist understanding of how and why labor was so potent in the 1945-1970 era has proved such a disastrously ill informed guide to American politics and class relations. For example, the steel industry histories recently published by Jack Metzgar and David Stebenne demonstrate that the strike-prone nature of industrial relations in steel was not a routinized form of mock combat, as so many leftists once believed, but a kind of chronic, trench warfare that never generated the mutually satisfactory accommodation celebrated by so many pluralists (and simultaneously denounced by those farther to their left).³ Indeed, it was just this spurious sort of interest group compromise that was at the heart of that stolid, self-congratulatory “defense” of mid century trade unionism offered by the liberal pluralists, which is one important reason that the legitimacy and value of trade unionism took such a downward plunge in the 1960s when the civil rights movement and its off-shoots put forward a new and higher standard by which to judge American institutions and define a democratic polity.
- 6 *State of the Union* argues that it was precisely this devolution, this transformation of the quest for an “industrial democracy” into a more limited program celebrating the technics of postwar “collective bargaining,” that prepared the way for the eclipse of the American labor question and its replacement, in public discourse and legal-legislative statecraft, by a discourse of rights that could never satisfactorily resolve the social and economic issues put forward by a century of working-class agitation. Catherine Collomp thinks I oversimplify this transition, and in truth the complexities inherent in the relationship between race, rights, and class make it almost impossible not to strike a mechanistic note when grappling with this conundrum. But to one charge I want to plead innocent: one cannot write of race, and class, and identity as if they were separate constructs between which the historian—or the social activist—must inevitably choose. In the United States, as in most nations, class consciousness and ethnic identities are entirely intertwined, which is a point that *State of the Union* repeatedly seeks to make. The problem is not in the

tangible reality of this embrication, but in the failure of the American labor law, not to mention journalists, historians, and social scientists, to recognize this social fact.

- 7 Trade unions are in decline throughout much of the world today, and class as a category of analysis is difficult to operationalize, but this is hardly because we have moved from a world of dichotomous classes to a world in which ethnic and racial identities have suddenly intruded themselves into our social and political consciousness. If there is one thing that the last generation of labor and social history scholarship has demonstrated, it is that in the United States, and certainly elsewhere, a consciousness of ethnicity, race and class can hardly be divorced. In United States history, ethnicity reinforces as much as it divorces class. Indeed, one might well argue that during the hundred years that preceded World War II, class rhetoric was as much the language of ethnicity as it was the other way round. Herbert Gutman established his reputation as a founder of the new labor history by demonstrating that 19th century Americans were incapable of generating a class politics that was not thoroughly enmeshed in the ethnic, immigrant culture of the working class majority. Steve Babson demonstrated that even among the self-consciously socialist, laborite skilled workers of interwar Detroit, Anglo-Gaelic identities and traditions boiled just beneath the surface. Gary Gerstle's account of the rise of industrial unionism among French-Canadian textile workers uncovered a dialectic between ethnic self-consciousness and trade union militancy. The linguistic tropes were not the same as those we would deploy today, but any effort to counterpoise French-Canadian identity and union consciousness during those Depression years would be entirely fruitless, if not reactionary. Likewise, the Latino consciousness that has infused union organizing activities in so much of Los Angeles during the last decade is not unlike that of Gerstle's French-Canadians or the Slavic steelworkers commemorated in Thomas Bell's classic novel, *Out of this Furnace*. The problem is not identity consciousness per se, but the legal, ideological, and institutional structures into which such identities are cast.⁴
- 8 A juxtaposition taken from *State of the Union* encompasses this historically contingent interplay. During the middle decades of the 20th century, U.S. trade unionism held a legal and political legitimacy, even among those adamantly hostile to its methods and goals. Thus, advocates of African-American freedom, whose movement was still groping for a legal-administrative understructure, sought to deploy the authority of the union idea for their own "race" purposes. In the 1940s when Southern Bourbons wanted to discredit the labor movement in their region, they denounced it as a racially subversive institution that strayed well beyond its presumptive role as a well-constrained collective-bargaining organization. Southern unions, especially African American unions, were illegitimate because they sought to transform the social structure of the South. Segregationists denounced the progressive black unions then emerging in Memphis, Winston-Salem, New Orleans, and East Texas as Communist-led, integrationist institutions that merely masqueraded as trade unions. In defense, racially progressive unionists, both black and white, sought to deflect this right wing assault by emphasizing that their organizations were bona fide trade unions first, institutions concerned with civil rights and race advancement to but a secondary degree. Of course, this was a politically adroit subterfuge, confirmed during the last generation by every historian of the modern South. In the 1940s, as well as in our own time, no distinction can be made along these lines.⁵
- 9 By the late 1960s the social and linguistic landscape, not to mention the legal and political infrastructure, had been thoroughly transformed. Thus when black sanitation workers in Memphis sought to win union recognition for themselves, they carried placards that

proclaimed “I Am A Man,” an identity politics slogan if there ever was one. Few observers, then or now, think of the Memphis strike as anything other than a civil rights struggle. Indeed, there is much evidence to show that had it been perceived as some sort of union-management negotiation, it would never have emerged from its initial obscurity.⁶ By 1969 Southern elites, as well as union partisans, understood this new dynamic very well indeed. Thus when Hospital Workers Local 1199B sought to build an organization in Charleston, South Carolina, labor leaders cast their struggle almost entirely in terms of the civil rights movement of that era, reminding friends and foes alike that Martin Luther King had once called 1199 the “soul power” union. Conversely, South Carolina’s conservative elite insisted that the conflict in the Charleston hospitals was a question of old-fashioned trade unionism, not civil rights. State officials did not red-bait or race-bait the civil rights/union activists, but to delegitimize the insurgency they insisted that the absence of a state collective-bargaining law made the effort to unionize illegal and futile. Thus we find the Southern oligarchy capitalizing on the eclipse into which the postwar union idea had fallen, while at the same time paying a backhanded tribute to the power of an identity-based, rights-conscious social movement.⁷

- 10 The effort to counterpoise identity politics and class consciousness does justice to neither, but one can certainly find much in contemporary political culture that leads to a devaluation of collective, class-based institutions and the simultaneous legitimization of a kind of rights consciousness that encourages an individualistic affirmation of racially coded rights and entitlements. Although one can find a substantial body of postmodern scholarship that sees class as little more than a metaphysical illusion, the main culprit does not consist of those scholars who declare the death of class and then celebrate the “new social movements” that have arisen during the last third of a century. Instead, the transformation of identity politics, often through a legally structured discourse of rights, has been a product of the trajectory taken by the main body of post 1960s liberalism. To the extent that a constrained brand of identity politics has flourished, it is largely because in the realms of politics, policy, and law, trade unionism and other forms of working class activism have been systematically devalued, while a set of legal rights based on racial and gender identity have been privileged, but in a fashion that most on the left might well reject.
- 11 Labor oriented legal scholars have become increasingly attuned to the problematic outlined above. In a stimulating essay, “Postmodern Unions: Identity Politics in the Workplace,” Molly McUsic and Michael Selmi take as a given the fragmented, identity oriented character of the contemporary workforce. They argue that working class unity, within the unions and without, cannot be conjured out of a monochrome solidarity, but will require a “cosmopolitan” perspective, which David Hollinger has defined as a “recognition, acceptance, and eager exploration of diversity” within a much larger context. Here self-identification is affirmed, not submerged into an abstract notion of class solidarity. In this context unions function much like the borderland regions where cultures clash, meld and transform themselves into a more cosmopolitan entity. As McUsic and Selmi put it, “unions turn from being mini-legislatures to becoming mediating institutions with transformative aspirations much like the border cultures where changes occur through the clash of cultures.”⁸
- 12 Labor historians will instantly recognize that such has been the nature of American unionism, certainly when it was most successful. During their heroic youth in the Progressive era, Steve Fraser has demonstrated that the needle trades unions represented

a tenuous amalgam of Jewish socialism, Italian syndicalism, and Lithuanian shop militancy, coexisting uneasily with the inchoate feminism of an immigrant workforce that was overwhelmingly young and female. In the 1930s and early 1940s the Reuther wing of the United Auto Workers consolidated power up and down the union infrastructure by assembling an ethnopolitical coalition that proved more stable and resilient, if also more accommodating to state power, than did the equally heterogeneous caucus that the rival Communist grouping sought to guide toward union leadership. Likewise, those who organized packinghouse workers in the 1940s, hospital workers in the 1950s, California farm workers in the 1960s, and hotel and home care workers in the 1990s were always exquisitely sensitive to the negotiated character of working-class solidarity and trade union practice.⁹

- 13 Toward the end of her comment, Catherine Collomp makes an important point comparing French and U.S. industrial relations traditions. Although actual union density in France is quite low, the wage bargains that are struck generally extend to workers throughout an industry. This used to be the case in the United States as well, where “pattern bargaining,” in auto and steel for example, quickly established the wage and benefit standards for a far larger group of workers. When the UAW raised wages at Ford, non-union parts plants in Indiana followed suit, if only to inoculate their employees against the union virus. Pattern bargaining of this sort, which flourished for almost 40 years after World War II, served to ameliorate the racialized wage and job constructs that are so pervasive across the American industrial archipelago. The collapse of pattern bargaining in the 1980s has served to exacerbate “identity” politics in the workplace, as much among white workers as those of color, because as Catherine Collomp notes, wage differentials and job distinctions have once again returned to the stark, inequitable proportions characteristic of the early 20th century.
- 14 Jean-Christian Vinel believes that when it comes to an appreciation of the political culture of the 1930s, *State of the Union* “paints a somewhat optimistic picture of the law, leaving its weaknesses in the background.” Vinel believes that the very term, “industrial democracy” is far too vague because it is open to so many meanings and interpretations. Indeed, he thinks that my relatively favorable account of New Deal liberalism, which I link to the union impulse, hides the weaknesses and contradictions that were inherent in Wagner Act law and New Deal statecraft. Vinel takes issue with my effort to conjoin the Wagner-era economic recovery efforts, which required a strong trade union movement, to the more ideologically charged effort, stretching back more than half a century, to democratize the workplace and counter the power of corporations in American political life.
- 15 It is true, as Vinel emphasizes, that during the National Recovery Administration years, and even during the spring of 1935 when Senator Wagner advanced his bill in the Congress, proponents of a transformed labor law argued that it was primarily a recovery measure which would reduce industrial strife and thereby promote commerce. Vinel concurs with the recent work of David Brody in pointing out that the whole Wagner Era labor relations apparatus was not based on fundamental constitutional rights, but rather had an ad hoc character designed to resolve a set of economic issues that arose during a limited era of economic distress. Like Vinel, I too am attracted to the scholarship of James Gray Pope, Risa Goluboff, and other legal historians who argue that an older generation of trade unionists got it right: that the legal basis of American unionism might well have

been stronger had it been rooted in the constitutional guarantees, including that of the 13th Amendment, banning “involuntary servitude.”¹⁰

- 16 But the Wagner Act is not silent on democratic rights in the work place. Indeed, one feature of the legal realism that was so influential in the 1930s is an appreciation of the actual power relations at the worksite, and what remedies would be necessary to vitalize the employee right to “self-organization.” In an insightful reading of the Wagner Act history, with particular emphasis on the role that would be played by the representation election, David Brody emphasizes that Robert Wagner and his generation understood that if the unions were to flourish, even as institutions that regulated wages and working conditions, then the Courts and the NLRB would have to assure that employer coercion ceased when workers confronted the decision about whether or not they should form a trade union. Employer “free speech” during a union certification election—a constitutional right certainly—was little more than an invitation to economic blackmail, argued Wagner and other realists in the 1930s. Worker on worker intimidation was already prohibited by the common law, but the coercive employer threat to shut down the factory or penalize uncooperative workers, inherent in any management comment on the unionization decision, required a vigilant National Labor Relations Board that was backed up by a judiciary sensitive to the real meaning of workplace democracy.¹¹
- 17 But the NLRB never really had a chance. Vinel places the blame on a set of influential legal craftsmen, like Leon Keyserling and James Landis, who sought to build an intrusive, administrative state, initially favoring labor and the left, but soon turned against those elements of the body politic by the chilly winds that blew in from the postwar political right. I think Vinel is right that the NLRB, perhaps unlike the more recent Equal Employment Opportunity Commission, never really established its legitimacy, in part because of the hyper-political character of its personnel and its subordination to a judiciary that was never really comfortable with the powers exercised by this administrative agency. At a couple of points Vinel blames this failure on the absence of a “strong social compact” that might have given the state labor relations apparatus a certain autonomy. But as *State of the Union* argues, such a contract was never much of a possibility in the United States, and that what appeared as a social compact or contract during the 1941-1973 era was in fact the product of labor’s combativeness sometimes reinforced by the corporatist structures essential to manage inflation, wages, and manpower during the war or cold war era emergencies.
- 18 Given such legal and administrative weaknesses, Vinel is critical of my deployment of the phrase “industrial democracy” to describe the impulse that motivated both workers and legislative craftsmen of the Wagner Act era. One can find speeches where a Robert Wagner, a John L. Lewis, or even a Franklin Roosevelt proclaim the need for an “economic constitutional order,” but such rhetoric was normally subordinated to the Wagner Act’s larger purpose: fostering higher wages, economic recovery, and industrial peace.
- 19 But a law does not define itself by itself. The American labor law became a lightning rod for conservative critics because for almost a full generation it did generate a set of ideological and legal conditions that opened wide the door to a set of power-sharing transmutations deeply distasteful to the owners of productive property. Just as the civil rights laws of the 1960s became infused with a far larger and more potent set of ideological and social aspirations, so too did even a flawed Wagner Act generate an ideological and institutional progeny that constituted a radical challenge to traditional hierarchies: racial, ethnic, economic, even gender. This did not last, and the Wagner era

labor law soon lost most of its transformative edge, but one cannot discount the democratic values and expectations with which the law was once associated. The anti-New Deal conservatives certainly understood this dynamic. As Colin Gordon has explained, the late 1930s explosion of anti-NLRB and anti-union sentiment arose because many businessmen “underestimated the impact of unionism on management power.” Likewise, as Ira Katsnelson and his associates have argued, Southern elites turned hostile to the whole New Deal project in this same era when they came to realize that their enjoyment of New Deal economic assistance also meant the unionized empowerment of their subalterns, both white and African-American.¹²

- 20 One reason for the controversy surrounding Wagner era efforts to empower a new labor movement is that these efforts could not be divorced from a growing movement to transform race relations by raising the social wage, as well as the real wage of minority workers. Romain Romain Huret is right to emphasize that in the 1950s and 1960s, as well as in more recent decades, the “labor question” has been largely replaced by that of the old-new “social question,” or as Great Society reformers might have put it, the problem of poverty and the working poor. Throughout my book I tried to make clear that before 1940 most laborites and their allied reformers would have had a difficult time distinguishing between these two “questions.” It was Leon Keyserling, of course, who had drafted the Wagner Act and provided an “underconsumptist” rationale for its radical intervention into the labor market, and it was that same Keyserling who emerged in the 1950s as the chief critic of John Kenneth Galbraith and Arthur Schlesinger, Jr., whose portraits of an affluent working class helped divorce the New Deal era labor agenda from key elements of the Kennedy-Johnson anti-poverty initiatives. Such a dichotomy may well be fading in the early years of the 21st century: Wal-Mart’s employment practices are today a lightning rod for criticism because of the failure of the world’s largest corporation to generate a wage structure that actually lifts its employees much above poverty or provide them with adequate health insurance.¹³
- 21 Huret is certainly correct to point out that during the labor movement’s postwar heyday, the well being of the poor did not stand high on organized labor’s social agenda. But Robert Lampman’s failure to win a support from a union audience for the kind of anti-poverty program they might have been expected to support needs to be analyzed and not just condemned. This failure is real and it reflects the insularity into which postwar unionism had been forced by the straightjacket into that conservatives placed upon the unions early in the postwar era. Although one can find evidence of a racial “backlash” politics among rank and file white unionists in the 1940s and 1950s, the failure of the unions to play a more active part in shaping the Great Society initiatives reflects more than racial resentment. Rather, one of the major themes in my book emphasizes the self-ghettoization inherent in the firm-centered collective bargaining regime toward which the unions gravitated in the post World War II years. When unions like the United Automobile Workers linked their fortunes to the success of a company like General Motors, then it became increasingly difficult for even the most liberal union leaders to avoid the marginalization of those governmental initiatives designed to transform the lives of the men and women not covered by a UAW contract itself. And if this was true of a union led by such ex-socialists as Walter Reuther, one can imagine the situation in those institutions run by unionists of a more prosaic sort.
- 22 But it is important to recognize that this doleful situation, confronted by Lampman and other anti-poverty warriors, was not merely a function of the ideology of self-satisfied

union leaders or fat and sloppy rank and filers. The incapacity—indeed the illegality—of union efforts to fight for a higher social wage represented a victory of the anti-union right, which in Taft-Hartely and other legislation, successfully fought to depoliticize and de-radicalize the labor movement and penalize any union activities that strayed too far beyond nuts and bolts unionism. So by the 1960s the cadre of unions like the Communications Workers of America had internalized the anti-union agenda: stick to collective bargaining or you will start banging your head against a conservative wall of political and managerial resistance.

- 23 When it comes to the poverty program per se, Huret takes me to task for adopting a conventionally leftwing skepticism as to the merits and trajectory of the War on Poverty. Unlike the material I offer on the New Deal, where the liberal policymakers come out looking pretty good, *State of the Union* is either silent or negative on the “bureaucrats” who formulated and administered the Great Society programs. It is true that I don’t get inside the controversies that swept through the administrations of presidents Kennedy and Johnson, but my general perspective is clear: to the extent that a “structural” approach to the problem of poverty racialized and culturalized anti-poverty policy, then the Great Society reformers were treading on ground that was both politically and economically dangerous. A more efficacious, if in the long run more expensive and disruptive approach, was that of the old New Dealers like Leon Keyserling and Willard Wirtz. Keyserling’s refusal to distinguish between poverty and unemployment was not just good economics but good politics. Raising the minimum wage, indexing Social Security (enacted during the Nixon years!), and providing health insurance for the elderly are examples of programs that Theda Skocpol has labeled “targeted universalism” because while these are entitlements for all citizens, the poor and the racial minorities benefit the most. The negative income tax, or Earned Income Tax Credit, is something less than universal, because only the working poor benefit. Huret applauds this popular program, and so do a surprising number of conservatives and centrist liberals in the United States, but organized labor is right to be less than enthusiastic, because ETIC amounts to a payroll subsidy for employers of low wage labor.¹⁴
- 24 Enough. It pains me that the commentators on my book are so knowledgeable about the United States, while I remain so ignorant about the French labor movement and the legal, cultural, and political context within which it fights and lives. But then that imbalance merely reflects a larger Transatlantic dichotomy that has been so frequently in the news of late.

NOTES

1. See for example, Steve Early, “Our Collective Bargain,” *The Nation*, February 25, 2002, 25-30; Stanley Aronowitz, “Calling Joe Hill,” *Los Angeles Times*, September 9, 2002; Bryan Palmer, “Whom Do you Trust?” *New Labor Forum* 12 (Spring 2003), 92-99; and Daphne Eviatar, “A Dearth of Inspiration,” *Dissent*, Spring 2002, 112-116.

2. For an appreciation and a critique of what was surely one of the very earliest “New Left” assessments see my introduction to C. Wright Mills, *The New Men of Power: Americas Labor Leaders* (Urbana: University of Illinois Press, 2001), originally published in 1948. And see also my own rethinking, in Nelson Lichtenstein, *Labor’s War at Home: the CIO in World War II* (Philadelphia: Temple University Press, 2003), vii-xxviii.
3. Jack Metzgar, *Striking Steel: Solidarity Remembered* (Philadelphia: Temple University Press, 2000); David Stebenne, *Arthur Goldberg, New Deal Liberal* (New York: Oxford University Press, 1996).
4. Herbert Gutman, *Power and Culture: Essays on the American Working Class*, edited by Ira Berlin, (New York: Pantheon Books, 1987); Steve Babson, *Building the Union: Skilled Workers and Anglo-Gaelic Immigrants in the Rise of the UAW* (New Brunswick: Rutgers University Press, 1991), 63-154, passim; Gary Gerstle, *Working Class Americanism: the Politics of Labor in a Textile City, 1914-1960* (Princeton: Princeton University Press, 2002), xi- xxiv.
5. Michael Honey, *Black Workers Remember: An Oral History of Segregation, Unionism, and the Freedom Struggle* (Berkeley: University of California Press, 1999), 213-36; Robert Korstad, *Civil Rights Unionism: Tobacco Workers and the Struggle for Democracy in the Mid-Twentieth-Century South* (Chapel Hill: University of North Carolina Press, 2003), 334-45.
6. The initial news reports, buried on the inside pages of *The New York Times*, *The Wall Street Journal*, and *The Los Angeles Times*, all “framed” the Memphis Sanitation Strike as but one more of the disruptive municipal employee strikes that were then plaguing the big cities, most notably New York, where an illegal garbage strike had generated much editorial outrage. And this was the way the Memphis city fathers wanted it: the strike was futile because there was no legal provision for it. Moreover, early news reportage emphasized the large wage demands of the Memphis strikers. The fact that the entire workforce was African American was ignored until the NAACP belatedly advertised the civil rights aspects of the strike. “A Garbage Strike Plagues Memphis,” February 13, 1968, p. 34; “Garbage Collectors In Memphis Spurn Plea to End Strike,” February 14, 1968, p. 31, *The New York Times*; “Garbage Workers Strike in Memphis, Seek 33% Wage Rise,” February 13, 1968, p. 12, *The Wall Street Journal*.
7. Leon Fink and Brian Greenberg, *Upheaval in the Quiet Zone: A History of Hospital Workers’ Union Local 1199* (Urbana: University of Illinois Press, 1989), 129-58.
8. Molly S. McUsic and Michael Selmi, “Postmodern Unions: Identity Politics in the Workplace,” *Iowa Law Review*, 82 (August 1997), 1366-69.
9. Steven Fraser, *Labor Will Rule: Sidney Hillman and the Rise of American Labor* (New York: Free Press, 1991), 27-54; Nelson Lichtenstein, *Walter Reuther: The Most Dangerous Man in Detroit* (Urbana: University of Illinois Press, 1997), 186-91; Roger Horowitz, “Negro and White, United and Fight!”: *A Social History of Industrial Unionism in Meatpacking, 1930-1990* (Urbana: University of Illinois Press, 1997), 206-42 passim.
10. Risa Goluboff, “The Thirteenth Amendment and the Lost Origins of Civil Rights,” *Duke Law Journal* 50 (2001): 1609.
11. David Brody, “Labor Vs. the Law: How the Wagner Act Became a Management Tool,” *New Labor Forum* 13 (Spring 2004), 9-16.
12. Colin Gordon, *New Deals: Business, Labor, and Politics in America, 1920-1935* (New York: Cambridge University Press, 1994), 289; Ira Katznelson, Kim Geiger, and Daniel Kryder, “Limiting Liberalism: The Southern Veto in Congress, 1933-1950,” *Political Science Quarterly*, 108 (Summer 1993), 283-306.
13. For an illuminating discussion of Leon Keyserling see Meg Jacobs, *Pocketbook Politics: Economic Citizenship in Twentieth-Century America* (Princeton: Princeton University Press,

2004); and also see Nelson Lichtenstein, ed., "Wal-Mart: Template for 21st Century Capitalism?" (manuscript in preparation).

14. Alice O'Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton: Princeton University Press, 2001), 286-87.

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